No. 80-581

IN THE

Supreme Court of the United States

October Term, 1980

Commonwealth Edison Company, Central Illinois Light Company, Dairyland Power Cooperative, Detroit Edison Company, Interstate Power Company, Lake Superior District Power Company, Lower Colorado River Authority/City of Austin, Minnesota Power & Light Company, Northern States Power Company, Upper Peninsula Generating Company, Wisconsin Power & Light Company, Decker Coal Company, Peabody Coal Company, Westmoreland Resources, Inc. and Western Energy Company,

Appellants,

against

State of Montana, Thomas L. Judge, Governor of Montana, Mary Craig, Director of the State Department of Revenue, and David M. Lewis, Director of Administration and State Treasurer,

Appellees.

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF MONTANA

BRIEF AMICI CURIAE OF THE STATES OF MINNESOTA, IOWA AND WISCONSIN

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POSITION OF AMICI CURIAE

The States of Minnesota, Iowa, and Wisconsin, Amici Curiae in this proceeding, continue to rely upon the position and arguments set forth in their Brief in Support of Jurisdictional Statement. Amici Curiae maintain, as do Appellants, that the Montana Court erred in determining that, as a matter of law, the Montana Coal Severance Tax does not violate the Supremacy Clause of the United States Constitution. The thirty percent Montana Coal Severance Tax seriously undermines the federal policies and enactments which favor increased coal consumption in contravention of the Supremacy Clause. Amici Curiae thus join the Appellants in urging that the judgment below be reversed and the action remanded for trial.

Dated: January 20, 1981.

Respectfully submitted,

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